

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT JOHANNES,
MICHAEL WORONIECKI,
PHILLIP TURNER,
ROGER STEPHENSON,
JOE EVANS, and
MAX ROGERS,
individually, and on behalf of all other
similarly situated prisoners,

Plaintiffs,

v.

HEIDI WASHINGTON, Director of the
Michigan Department of Corrections, and
DALTON SANDERS,

Defendants.

Case No. 14-11691
Honorable Laurie J. Michelson
Magistrate Judge Mona K. Majzoub

**ORDER ADOPTING REPORT AND RECOMMENDATION [117] AND GRANTING
EVANS AND ROGERS' MOTION TO DISMISS [77]**

In August 2015, Defendants moved to dismiss Plaintiffs Joe Evans' and Max Rogers' claims as moot. (Dkt. 77.) In October 2015, this Court entered a stipulated order dismissing all of Evans' claims (and therefore Evans) from this lawsuit. (Dkt. 110.) In November 2015, Magistrate Judge Mona K. Majzoub, recommended "granting Defendants' Motion to Dismiss [77] with regard to Plaintiff Max Rogers's claims in this matter. Additionally, pursuant to the Parties' stipulation, the Court should dismiss Plaintiff Joe Evans's claims against Defendants." (Dkt. 117, R. & R. at 3.) Rogers has not objected to this recommendation and the time to do so has passed. As such, the Court will accept this recommendation. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985) ("[T]he failure to object may constitute a procedural default waiving review even at the district court level[.]"); *United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir.

1981). Accordingly, Max Rogers' claims in this lawsuit are DISMISSED and Rogers is no longer a plaintiff in this case. As of this order, the remaining Plaintiffs are Robert Johannes, Michael Woroneicki, Phillip Turner, and Roger Stephenson.

SO ORDERED.

s/Laurie J. Michelson
LAURIE J. MICHELSON
UNITED STATES DISTRICT JUDGE

Dated: March 17, 2016

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing document was served on the attorneys and/or parties of record by electronic means or U.S. Mail on March 17, 2016.

s/Jane Johnson
Case Manager to
Honorable Laurie J. Michelson